

ESTTA Tracking number: **ESTTA354909**Filing date: **06/25/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Petition for Cancellation**

Notice is hereby given that the following party requests to cancel indicated registration.

**Petitioner Information**

Name	Nautica Apparel, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	40 West 57th Street New York,, NY 10019 UNITED STATES		

Attorney information	Stephen L. Baker Baker and Rannells, PA 575 Route 28, Suite 102 Raritan, NJ 08869 UNITED STATES s.baker@br-tmlaw.com,n.friedman@br-tmlaw.com,d.comunale@br-tmlaw.com, K.Hnasko@br-tmlaw.com,officeactions@br-tmlaw.com Phone:908-722-5640
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**Registration Subject to Cancellation**

Registration No	3640791	Registration date	06/16/2009
Registrant	AirNautic Watch Company 1806 NORTHWEST 126TH WAY CORAL WAY, FL 33071 UNITED STATES		

**Goods/Services Subject to Cancellation**


Class 014. First Use: 2008/03/18 First Use In Commerce: 2008/03/18 All goods and services in the class are cancelled, namely: Watches, namely, dive watches and pilot watches
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**Grounds for Cancellation**


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

**Marks Cited by Petitioner as Basis for Cancellation**


U.S. Registration No.	1613918	Application Date	09/21/1988
Registration Date	09/18/1990	Foreign Priority Date	NONE
Word Mark	NAUTICA		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1985/05/03 First Use In Commerce: 1985/05/03 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, UNDERSHIRTS, UNDERSHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS, AND SHORTS

U.S. Registration No.	1557528	Application Date	08/09/1988
Registration Date	09/26/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 PERFUMES [ AND ESSENTIAL OILS FOR PERSONAL USE ]		

U.S. Registration No.	1553539	Application Date	06/24/1988
Registration Date	08/29/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 SPECTACLES, NAMELY EYEGLASSES AND SUNGLASSES, AND ACCESSORIES, NAMELY CASES AND STRAPS		


U.S. Registration No.	1557527	Application Date	08/09/1988
Registration Date	09/26/1989	Foreign Priority Date	NONE
Word Mark	NAUTICA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 PERFUMES AND ESSENTIAL OILS FOR PERSONAL USE

U.S. Registration No.	1580007	Application Date	08/09/1988
Registration Date	01/30/1990	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 016. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 NOTEBOOKS, DESK TOP ORGANIZERS, [CALENDARS, AND PHONEBOOK COVERS] MADE OF LEATHER OR IMITATION LEATHER</p> <p>Class 018. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 UMBRELLAS, LUGGAGE, TRUNKS, DUFFLE BAGS, GARMENT BAGS FOR TRAVELING, TRAVEL KITS AND LEATHER BOXES IN THE NATURE OF JEWELRY BOXES</p> <p>Class 025. First use: First Use: 1987/01/05 First Use In Commerce: 1987/01/05 BELTS AND SUSPENDERS</p>		

U.S. Registration No.	1862585	Application Date	11/23/1993
Registration Date	11/15/1994	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1992/02/00 First Use In Commerce: 1992/02/00 footwear		

U.S. Registration No.	1882757	Application Date	02/04/1993
Registration Date	03/07/1995	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1993/06/00 First Use In Commerce: 1993/06/00 toiletries for men, namely shaving cream and toilet soap		

U.S. Registration No.	1873011	Application Date	11/12/1991
Registration Date	01/10/1995	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 006. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 key rings, key fobs, key holders and money clips Class 014. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 tie clips and collar pins Class 018. First use: First Use: 1991/01/00 First Use In Commerce: 1991/04/00 wallets, hipfold wallets, trifold wallets, key cases, tie cases for travel, shoulder bags, tote bags; clutch bags, carry-on bags Class 026. First use: First Use: 1988/01/00 First Use In Commerce: 1988/09/00 buttons for clothing; hair accessories; namely, barrettes and hairbands]		


U.S. Registration No.	2246317	Application Date	09/18/1995
Registration Date	05/18/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 020. First use: First Use: 1997/12/00 First Use In Commerce: 1998/01/00 outdoor furniture; living room furniture; bedroom furniture; furniture, namely wall units; furniture tables; bookcases; and picture frames		

U.S. Registration No.	2242969	Application Date	09/18/1995
Registration Date	05/04/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 1998/09/00 First Use In Commerce: 1998/09/00 rugs, wall paper, and vinyl wall covering		

U.S. Registration No.	2247914	Application Date	09/18/1995
Registration Date	05/25/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1997/04/00 First Use In Commerce: 1997/06/00 [ table liners, table mats not of paper; place mats not of paper; ] table napkins not of paper [ ; pot holders; oven mitts; ] table cloths not of paper; kitchen towels; upholstery fabrics; and textile wall hangings		

U.S. Registration No.	2304411	Application Date	09/18/1995
Registration Date	12/28/1999	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1998/10/00 First Use In Commerce: 1999/01/28 lamps		


U.S. Registration No.	2306324	Application Date	09/18/1995
Registration Date	01/04/2000	Foreign Priority Date	NONE
Word Mark	NAUTICA		


Design Mark	
Description of Mark	NONE
Goods/Services	Class 021. First use: First Use: 1998/10/00 First Use In Commerce: 1999/02/01 glass and plastic beverageware; dinnerware; [coasters (not of paper or linen); paper plates; paper cups;] candlesticks not of precious metal

U.S. Registration No.	2474154	Application Date	03/19/1999
Registration Date	07/31/2001	Foreign Priority Date	NONE
Word Mark	NAUTICA JEANS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/05/00 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, SNEAKERS, BOOTS, MOCCASINS, UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, SUITS, BATHING SUITS, BATHROBES, SLIPPERS, SHORTS, TIES, NECKWEAR, SCARVES, SOCKS, HATS AND CAPS, GLOVES AND MUFFLERS, AND FOUL WEATHER GEAR, BELTS AND SUSPENDERS		

U.S. Registration No.	2523102	Application Date	03/19/1999
Registration Date	12/25/2001	Foreign Priority Date	NONE
Word Mark	NAUTICA JEANS COMPANY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1999/01/00 First Use In Commerce: 1999/05/00 MEN, WOMEN AND CHILDREN'S WEARING APPAREL, NAMELY, HOSIERY, SHOES, [ SNEAKERS, BOOTS, MOCCASINS, ] UNDERSHIRTS, BOXER SHORTS, SHIRTS, BLOUSES, TROUSERS, PANTS, JACKETS, COATS, [ SUITS, ] BATHING SUITS, BATHROBES, [ SLIPPERS, ] SHORTS, [ TIES, NECKWEAR, ] SCARVES, SOCKS, HATS AND CAPS, GLOVES AND [ MUFFLERS, ] AND FOUL WEATHER GEAR, [ BELTS AND SUSPENDERS ]		

U.S. Registration No.	2697078	Application Date	12/08/2000
Registration Date	03/18/2003	Foreign Priority	NONE

		Date	
Word Mark	NAUTEX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1992/07/25 First Use In Commerce: 1992/07/25 FABRICS FOR USE IN THE MANUFACTURE OF WEARING APPAREL Class 025. First use: First Use: 1992/07/25 First Use In Commerce: 1992/07/25 JACKETS, COATS, AND FOUL WEATHER GEAR, NAMELY, RAIN AND SNOW JACKETS		

U.S. Registration No.	2731466	Application Date	02/16/2002
Registration Date	07/01/2003	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 Mattress pads and bed vests		

U.S. Registration No.	3445949	Application Date	01/11/2007
Registration Date	06/10/2008	Foreign Priority Date	NONE
Word Mark	NAUTICARE		

Design Mark	NAUTICARE
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2008/02/00 First Use In Commerce: 2008/02/00 Dress shirts; Jackets; Men's suits; Neckwear; Overcoats; Pants

U.S. Registration No.	3591811	Application Date	01/11/2007
Registration Date	03/17/2009	Foreign Priority Date	NONE
Word Mark	NAUTICA OPTIONS		
Design Mark	NAUTICA OPTIONS		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2008/01/25 First Use In Commerce: 2008/01/25 Dress shirts; Jackets; Men's suits; Neckwear; Overcoats; Pants		

U.S. Registration No.	3437314	Application Date	05/02/2007
Registration Date	05/27/2008	Foreign Priority Date	NONE
Word Mark	NAUTICA		



Design Mark	NAUTICA
Description of Mark	NONE
Goods/Services	Class 012. First use: First Use: 2008/01/15 First Use In Commerce: 2008/01/15 Boats; rafts; dinghies

U.S. Registration No.	3536443	Application Date	03/06/2008
Registration Date	11/25/2008	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark	NAUTICA		
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1997/04/00 First Use In Commerce: 1997/07/00 Comforters; Bed and table linen; Bed blankets; Bed linen; Bed linen and table linen; Bed pads; Bed sheets; Bed skirts; Bed spreads; Curtains; Shower curtains; Bath towels; Beach towels; Hand towels; Towels; Washcloths; Washing mitts; Bath linen		

U.S. Registration No.	3577781	Application Date	04/09/2008
Registration Date	02/17/2009	Foreign Priority Date	NONE
Word Mark	NAUTICA OCEANS		

Design Mark	NAUTICA OCEANS
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2008/12/08 First Use In Commerce: 2008/12/08 Fragrances for personal use

U.S. Registration No.	2993023	Application Date	03/13/2002
Registration Date	09/06/2005	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark	NAUTICA BLUE		
Description of Mark	The mark is presented in standard characters, without claim to any particular font, style, size or color		
Goods/Services	Class 025. First use: First Use: 2000/09/00 First Use In Commerce: 2000/09/00 Men's, women's and children's wearing apparel, namely, hosiery, shoes, sneaker, boots, moccasins, undershirts, boxer shirts, shirts, blouses, trousers, pants, jackets, coats, suits bathing suits, bathrobes, slippers, shorts, ties, neckwear, scarves, socks, hats and caps, gloves and mufflers, belts and suspenders and foul weather gear		

U.S. Registration No.	2987139	Application Date	03/14/2002
Registration Date	08/23/2005	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2000/10/00 First Use In Commerce: 2000/10/00 MEN'S, WOMEN' AND CHILDREN'S WEARING APPAREL, NAMELY, UNDERSHIRTS, T-SHIRTS, SHIRTS, BLOUSES, PANTS, SHORTS BATHING SUITS AND SWIMWEAR		

U.S. Registration No.	3109967	Application Date	06/04/2003
Registration Date	06/27/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA BEACH		
Design Mark			

Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 2003/10/00 First Use In Commerce: 2003/10/00 Clothing, namely, men's, women's and children's bathing suits, swim trunks, swim suits, beach cover-ups, shorts, pants, woven and knitted shirts, warm-up suits, sweat shirts and pants and bathing caps

U.S. Registration No.	3114862	Application Date	08/27/2003
Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2004/06/01 First Use In Commerce: 2004/06/01 DRAPERY FABRICS; AND TEXTILE FABRICS FOR USE IN THE FIELD OF HOME FURNISHINGS		

U.S. Registration No.	3272760	Application Date	07/17/2003
Registration Date	07/31/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA GOLF		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2006/01/25 First Use In Commerce: 2006/01/25 Men's, namely, shirts, tops, sweaters, jackets, pants, bottoms, hats and caps; [ shorts, rainwear, trousers, outer shirts namely, polo, and sports shirts, collars ]		

U.S. Registration No.	2865229	Application Date	07/29/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 028. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 SPORTING GOODS, NAMELY, SPORT BALLS		

U.S. Registration No.	2865299	Application Date	08/28/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 020. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 Pillows		
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U.S. Registration No.	2865300	Application Date	08/28/2003
Registration Date	07/20/2004	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 1998/08/00 First Use In Commerce: 1998/08/00 DUVETS, DUVET COVERS, PILLOW CASES AND PILLOW PROTECTORS		

U.S. Registration No.	3076597	Application Date	04/12/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 1997/05/00 First Use In Commerce: 1997/05/00 cosmetics and toiletries for men and women, namely, colognes, skin cleansers, skin toners, cosmetic skin creams and lotions, shaving cream, after-shave lotion, after-shave cream, toilet soap, talcum powder, bath oil, personal deodorants, shampoo and conditioner		

U.S. Registration No.	3076794	Application Date	04/21/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		

Design Mark	NAUTICA COMPETITION
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 1996/10/00 First Use In Commerce: 1996/10/00 luggage, carry-on bags garment bags for travel, duffle bags, shoulder bags, tote bags, clutch bags, wallets and key cases

U.S. Registration No.	3076796	Application Date	04/21/2005
Registration Date	04/04/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA COMPETITION		
Design Mark	NAUTICA COMPETITION		
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1996/04/00 First Use In Commerce: 1996/04/00 men's, women's and children's wearing apparel, namely, shoes, sneakers, boots, undershirts, shirts, pants, jackets, coats, bathing suits, bathrobes, pajamas, slippers, shorts, ties, socks, hats, caps, gloves and foul weather gear		

U.S. Registration No.	3170055	Application Date	06/09/2005
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA BLUE		

Design Mark	NAUTICA BLUE
Description of Mark	NONE
Goods/Services	Class 003. First use: First Use: 2006/02/00 First Use In Commerce: 2006/02/00 PERFUMERY, AFTER SHAVE LOTIONS

U.S. Registration No.	3170094	Application Date	07/12/2005
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA VOYAGE		
Design Mark	NAUTICA VOYAGE		
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2006/04/00 First Use In Commerce: 2006/04/00 PERFUMERY, AFTER SHAVE LOTIONS		


U.S. Registration No.	3114379	Application Date	12/01/2005
Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	NAUTICA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 036. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01 Financial sponsorship of sporting events, tournaments, competitions and contests Class 041. First use: First Use: 1991/01/01 First Use In Commerce: 1991/01/01 Organizing and operating sporting events, tournaments, competitions and contests

U.S. Registration No.	3168753	Application Date	02/07/2006
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2004/05/00 First Use In Commerce: 2004/05/00 Coats; Dresses; Footwear; Gloves; Headwear; Jackets; Jeans; Pajamas; Pants; Raincoats; Robes; Scarves; Shirts; Shorts; Skirts; Sweaters; Swimsuits; T-shirts; Trousers; Underwear; Vests		


U.S. Registration No.	3232827	Application Date	02/14/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA PERFORMANCE TRAVEL GEAR		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 018. First use: First Use: 2005/09/00 First Use In Commerce: 2005/09/00 Briefcases; Duffel bags; Garment bags for travel; Handbags; Knapsacks; Leather shopping bags; Luggage; Shopping bags with wheels attached; Suitcases; Textile shopping bags; Trunks; Wallets

U.S. Registration No.	3232846	Application Date	02/28/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 1987/04/22 First Use In Commerce: 1987/04/22 Retail store services in the field of wearing apparel, fashion accessories, home fashions, eyewear, luggage and personal care products		


U.S. Registration No.	3165348	Application Date	04/11/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		




Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2003/03/00 First Use In Commerce: 2003/03/00 Retail apparel stores; Retail clothing stores; Retail department stores


U.S. Registration No.	3165351	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 024. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Bed linen; Bed pads; Bed sheets; Bed skirts; Bed spreads; Children's blankets; Children's towels; Crib bumpers; Curtains; Fabric window coverings and treatments, namely curtains, draperies, sheers, swags and valances; Pillowcases; Quilts		


U.S. Registration No.	3233030	Application Date	05/17/2006
Registration Date	04/24/2007	Foreign Priority Date	NONE
Word Mark	NAUTICA		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 014. First use: First Use: 1989/07/01 First Use In Commerce: 1989/07/01 Watches


U.S. Registration No.	3447065	Application Date	08/30/2006
Registration Date	06/10/2008	Foreign Priority Date	NONE
Word Mark	NAUTICA BERMUDA BLUE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2008/02/15 First Use In Commerce: 2008/02/15 Body spray used as a personal deodorant and as fragrance; Perfumery		

U.S. Registration No.	3165354	Application Date	04/26/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		

Design Mark			
Description of Mark	NONE		
Goods/Services	Class 027. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Wallpaper; Wallpaper in the nature of roomsize decorative adhesive wall coverings		

U.S. Registration No.	3165353	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Lamp shades; Lamps		

U.S. Registration No.	3165352	Application Date	04/25/2006
Registration Date	10/31/2006	Foreign Priority Date	NONE
Word Mark	NAUTICAKIDS		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 028. First use: First Use: 2005/08/00 First Use In Commerce: 2005/08/00 Crib mobiles; Mobiles for children; Toy mobiles

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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Stephen L. Baker/
Name	Stephen L. Baker
Date	06/25/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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Nautica Apparel, Inc.,

Petitioner,

v.

AirNautic Watch Company,

Registrant.

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Cancellation No.:

Mark: AIRNAUTIC

Reg. No. 3640791

Reg. Date: June 16, 2009

PETITION FOR CANCELLATION  
PURSUANT TO 15 U.S.C. SECTION 1064(a)

In the matter of trademark Reg. No. 3640791 for AIRNAUTIC for watches, namely, dive watches and pilot watches ("Registrant's Goods") in Int. Class 014, issued to AirNautic Watch Company ("Registrant") on June 16, 2009, Nautica Apparel, Inc., ("Petitioner") a corporation organized and existing under the laws of Delaware, located and doing business at 40 West 57th Street, New York, New York 10019, believes that it will be damaged by the continued registration of AIRNAUTIC as Registrant's mark and hereby petitions to cancel said registration pursuant to 15 U.S.C. §1064 (Trademark Act of 1946, §14).

As grounds of cancellation, it is alleged that:

1. U.S. Registration No. 3640791 issued June 16, 2009 to AirNautic Watch Company.
2. Upon information and belief, Registrant is a Florida corporation having a business address at 1806 Northwest 126th Way, Coral Way, Florida 33071.

3. The Registration covers the trademark AIRNAUTIC for watches, namely, dive watches and pilot watches in Int. Class 014.

4. Petitioner is the owner of numerous trademarks in a variety and constantly expanding number of classes including the NAUTICA mark, marks that contain the word NAUTICA, and marks that contain the letters NAUT and variations thereof (“Petitioner's Marks”) as trademarks, trade names, and as service marks.

Examples of Petitioner’s Marks are as follows:

	<b>Serial Number</b>	<b>Reg. Number</b>	<b>Word Mark</b>
1	85013805		NAUTICA
2	85013792		NAUTICA
3	85013716		NAUTICA
4	85013687		NAUTICA
5	78912400		ISLAND BY NAUTICA
6	78912365		NAUTICA ISLAND
7	78963691	3447065	NAUTICA BERMUDA BLUE
8	78885472	3233030	NAUTICA
9	78869724	3165354	NAUTICAKIDS
10	78868779	3165353	NAUTICAKIDS
11	78868759	3165352	NAUTICAKIDS
12	78868734	3165351	NAUTICAKIDS
13	78858780	3165348	NAUTICAKIDS
14	78825489	3232846	NAUTICA
15	78814361	3232827	NAUTICA PERFORMANCE TRAVEL GEAR
16	78809150	3168753	NAUTICAKIDS
17	78764381	3114379	NAUTICA
18	78668277	3170094	NAUTICA VOYAGE
19	78647283	3170055	NAUTICA BLUE
20	78614003	3076796	NAUTICA COMPETITION
21	78613836	3076794	NAUTICA COMPETITION
22	78606800	3076597	NAUTICA COMPETITION
23	78293506	2865300	NAUTICA

24	78293501	2865299	NAUTICA
25	78280401	2865229	NAUTICA
26	78275303	3272760	NAUTICA GOLF
27	78292765	3114862	NAUTICA
28	78258096	3109967	NAUTICA BEACH
29	78114981	2987139	NAUTICA BLUE
30	78114601	2993023	NAUTICA BLUE
31	77956846		NAUTICA
32	77925643		NAUTICA COMPETITION
33	77925569		PURE NAUTICA
34	77916492		NAUTICA
35	77085787		NAUTICA
36	77085766		NAUTICA
37	77085720		NAUTICA
38	77444022	3577781	NAUTICA OCEANS
39	77414495	3536443	NAUTICA
40	77171078	3437314	NAUTICA
41	77081234	3591811	NAUTICA OPTIONS
42	77081223	3445949	NAUTICARE
43	76371274	2731466	NAUTICA
44	76177936	2697078	NAUTEX
45	75663915	2523102	NAUTICA JEANS COMPANY
46	75664161	2474154	NAUTICA JEANS
47	74730052	2306324	NAUTICA
48	74730271	2304411	NAUTICA
49	74730054	2247914	NAUTICA
50	74730053	2242969	NAUTICA
51	74730051	2246317	NAUTICA
52	74220315	1873011	NAUTICA
53	74355511	1882757	NAUTICA
54	74462464	1862585	NAUTICA
55	73745061	1580007	NAUTICA
56	73745057	1557527	NAUTICA
57	73737613	1553539	NAUTICA
58	73745058	1557528	NAUTICA



59	73753227	1613918	NAUTICA
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Hereinafter the goods and services recited in Petitioner's Marks and registrations are referred to collectively as "Petitioner's Goods and Services".

5. Petitioner's Goods and Services have been widely advertised, offered for sale and sold throughout the United States under Petitioner's Marks and Petitioner's Marks are famous.

6. Petitioner is now and has been for many years trading as and known by Petitioner's Marks, identifying Petitioner as the source of high quality clothing, watches, fragrance products and other goods and services.

7. Petitioner is now and has been, for many years prior to any date which may be claimed by Registrant, engaged in the use of Petitioner's Marks for Petitioner's Goods and Services, including without limitation, high quality clothing, watches, fragrance products and other goods and services.

8. Petitioner is now and has been, for many years prior to any date which may be claimed by Registrant, engaged in the sale of high quality clothing, watches, fragrance products and other goods and services under Petitioner's Marks.

9. Since long prior to any date which may be claimed by Registrant, Petitioner on its own behalf has been, and is now engaged in the sale of high quality clothing, watches, fragrance products and other goods and services under Petitioner's Marks in interstate commerce.

10. The use by Petitioner of Petitioner's Marks for Petitioner's Goods and Services alleged herein, is long prior to any date which may be lawfully claimed by Registrant, and Petitioner has priority.

11. Since Petitioner owns Petitioner's Marks by virtue of prior use, confusion, mistake or deception as to the source of origin of the goods will arise and will injure and damage the Petitioner and its goodwill.

12. As a result of Petitioner's long use, extensive advertising and promotion, and successful sales for at least 25 years, Petitioner's Marks have become distinctive and famous, long prior to any date which may be claimed by Registrant.

13. Petitioner's mark and Registrant's mark share the common element NAUTIC.

14. Petitioner's Goods and Services, most notably its watches, are identical in nature and otherwise similar and related to the goods marketed and sold by Registrant.

15. The continued registration of Registrant's mark to Registrant is likely to and will cause the relevant purchasing public to erroneously assume and thus be confused, misled, or deceived, that Registrant's Goods are made by, licensed by, controlled by, sponsored by, or in some way connected, related or associated with Petitioner, all to Petitioner's irreparable damage.

16. Petitioner believes that it is and will be damaged by the continued registration of Registrant's mark.

17. The association which would arise from the similarity between Registrant's Mark and Petitioner's famous Marks will harm the reputation of Petitioner and Petitioner's famous Marks thereby resulting in dilution by tarnishment in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c). There is an overwhelming likelihood that this association will impugn Petitioner's Goods and Services and injure its business reputation.

18. The association which would arise from the similarity between Registrant's Mark and Petitioner's famous Marks will impair the distinctiveness of Petitioner's famous Marks and thereby result in dilution by blurring in violation of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c). There is an overwhelming likelihood that this association will impugn Petitioner's Goods and Services and injure its business reputation.

19. Registrant's Mark falsely suggests a connection with Petitioner, and/or will bring Petitioner into contempt or disrepute, in violation of §2(a) of the Lanham Act, 15 U.S.C. §1052(a), all to Petitioner's irreparable damage.

20. Registrant's use of Registrant's Mark points uniquely and unmistakably to Petitioner.

21. Consumers that encounter Registrant's Mark will recognize Registrant's Mark as pointing uniquely and unmistakably to Petitioner.

22. The continued registration of Registrant's Mark to Registrant would create a false and misleading connection to Petitioner all to the irreparable damage of consumers and Petitioner.

WHEREFORE, Petitioner prays that registration of Reg. No. 3640791 be cancelled.

Dated: June 25, 2010

Respectfully submitted for Petitioner

Nautica Apparel, Inc.

By: / Stephen L. Baker /  
Stephen L. Baker  
Neil B. Friedman  
BAKER and RANNELLS, PA  
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Raritan, New Jersey 08869  
(908) 722-5640

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Petitioner's Petition for Cancellation by first class postage prepaid mail by depositing the same with the U.S. Postal Service on this 25th day of June, 2010 to Registrant at the following address:

AirNautic Watch Company  
1806 Northwest 126th Way  
Coral Way, Florida 33071

/Stephen L. Baker/  
Stephen L. Baker